



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

JAN 25 2018

David Bauer, Treasurer
McClintock for Congress
2150 River Plaza Dr. #150
Sacramento, CA 98533

RE: MUR 7278

Dear Mr. Bauer:

On September 27, 2017, the Federal Election Commission (the "Commission") notified you and McClintock for Congress of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on January 9, 2017, voted to dismiss the allegations and close the file. The Commission also instructs the Committee to include a sufficient purpose when disclosing wage garnishments in its disclosure reports filed with the Commission. The Factual and Legal Analysis, which more fully explains the Commission's decision, is enclosed for your information.

Documents related to the case will be placed on the public record within 30 days. See Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016).

If you have any questions, please contact Wanda D. Brown, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Lisa J. Stevenson
Acting General Counsel

BY: Jeff S. Jordan
Assistant General Counsel

Enclosure: Factual and Legal Analysis

1 **FACTUAL AND LEGAL ANALYSIS**

7 I. INTRODUCTION

3 II. FACTUAL AND LEGAL ANALYSIS

The Committee responds that it withholds child support from the staffer pursuant to a court order, and that it reported the disbursements as instructed by the Commission's Reports

² *Id.*

3 *Id.*

1 Analysis Division (“RAD”).⁴ The Committee does not address the allegation regarding the
2 \$254.14 disbursement.

3 The Act and the Commission’s regulations require each treasurer of an authorized
4 political committee to file quarterly reports of receipts and disbursements.⁵ Further, political
5 committees are required to itemize disbursements, including a brief description of each
6 disbursement’s purpose.⁶ The Commission’s *Statement of Policy: “Purpose of Disbursement”*
7 *Entries for Filings with the Commission* instructs that descriptions, when considered along with
8 the identity of the disbursement recipient, must be sufficiently specific to make clear the purpose
9 of the disbursement.⁷ Further, the policy includes a non-exhaustive list of sufficient and
10 insufficient “purposes” for disbursements made by political committees, and instructs political
11 committees to contact their Reports Analysis Division analysts with questions as to how to report
12 the purposes of disbursements.⁸

13 Regardless of whether the Committee violated the Act, given the technical nature of the
14 alleged violations and in furtherance of the Commission’s priorities, relative to other matters
15 pending on the Enforcement docket, the Commission exercises its prosecutorial discretion and
16 dismisses the allegations that the Committee violated 52 U.S.C. § 30104(b)(4)-(7).⁹

⁴ Resp. at 1 (Oct. 2, 2017).

⁵ 52 U.S.C. § 30104(a), (b); 11 C.F.R. §§ 104.1, 104.3(a), (b), 104.5(a).

⁶ 52 U.S.C. § 30104(b)(4)-(6); 11 C.F.R. § 104.3(b)(3), (4).

⁷ Statement of Policy “Purpose of Disbursement” Entries for Filings with the Commission, 72 Fed. Reg. 887 (Jan. 9, 2007).

⁸ *Id.* at 888.

⁹ *Heckler v. Chaney*, 470 U.S. 821 (1985).